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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,036	09/30/2003	Kang-Chung Cheng	US920022	7707

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EXAMINER

ELAMIN, ABDELMONIEM I

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/677,036	Applicant(s) CHENG, KANG-CHUNG	
	Examiner A Elamin	Art Unit 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-7, 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Govindaraj et al, US. Pat. No. 6,901,298.

3. Claims 1, 7, Govindaraj teaches a data processing method with a state-restoring function [*title, abstract, also see Figs. 5 and 7*], said method suits a data-processing device having a spare power source [*backup power source 90 of Fig. 1*]; wherein said data-processing device is mounted with a store device; when said data-processing device is in a state of shutdown [*power loss, see for example step 540 of Fig. 5, abstract*], it is in an initial state; said method comprises following steps:

1) an electric-power restoring step of a main power source, said step further includes steps below:

a. said data-processing device discriminates whether power supplying of said main power source is in a normal state [*power up, see Fig. 7*]; if yes, a following step (step b.) is executed, if no, said data-processing device is in said initial state;

b. said data-processing device discriminates whether said store device is stored therein environmental parameters by executing a Basic Input Output System; if yes, [*col.*

9, lines 58-59] said method skips directly to executing of a following step (step d.), if no, a following step (step c.) is executed;

c. this step activates an operating system, and then skips to a following step (step e.);

2) a step of monitoring and controlling said main power source, said step further includes steps below:

d. said environmental parameters of said store device are stored in said data-processing device, in order that said data-processing device restores said operation environment of said operating system before said main power source is interrupted [*col. 9, lines 58-60*];

e. said data-processing device executes said operating system [*step 730 of Fig. 7, col. 9, lines 58-63*];

f. when said main power source is interrupted, said spare power source is immediately used [*col. 7, lines 50-53*], then said data-processing device executes a waiting step, if said main power source has not yet been resumed at the end of said waiting step, said method skips to a following step (step g.), if said main power source is resumed during executing said waiting step [*see suspend state 720 of Fig. 7, suspend step 550 of Fig. 5 and col. 9, lines 48-49*], said step (e.) is executed;

g. said environmental parameters in said operation environment of said operating system at present of said data-processing device are stored in said store device [*col. 9, lines 52-55*]; and

- h. said data-processing device is rebooted to execute an electric-power restoring step of said main power source [730 of Fig. 7].
4. Claims 4, 10, Govindaraj teaches said waiting step leaves said data-processing device idle to wait a period of time [suspend mode 550 of Fig. 5, see related disclosure].
5. Claims 5, 11, Govindaraj teaches setting of said waiting time is decided according to capacity of said spare power source [see the discussion of sensing back up power availability, Fig. 8 and related disclosure].
6. Claims 6, 12, Govindaraj teaches said store device is a hard disk [col. 7, line 67].

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-3, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Govindaraj et al, US. Pat. No. 6,901,298.
9. Claims 2-3, 8-9, Govindaraj fails to teach said data-processing device is a server/PC.

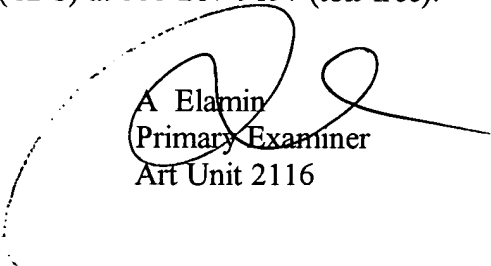
However, Examiner asserts that these types of limitations are considered field of use, and are not patentably distinct. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of Govindaraj in a desktop computer/server, because it allows saving the operating system state prior to removing power from the system and hence mitigates loss of valuable state and context data [see Govindaraj, col. 2, lines 54-61].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A Elamin whose telephone number is (571) 272-3674. The examiner can normally be reached on MON-FRI 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A Elamin
Primary Examiner
Art Unit 2116

February 19, 2006